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whereas it is well known that the execution of the filibusters preceded and caused the anti-Spanish riots. (See Snow's *Cases*, p. 181; 2 Whart. *Dig.* 600.) It is stated (p. 200), "Great Britain also asserts jurisdiction over foreign as well as native fishermen in the Moray Firth, *Mortensen v. Peters*, 14 Scots Law Times R., Pts. 13 and 14." This great claim over 2000 square miles of ocean was fully maintained in the case cited, but this reviewer has the written statement of the then British Ambassador, Mr. Bryce, that Great Britain has not adhered to this claim.

The modern character of the book and the inclusion of the Hague Conventions and the Declaration of London, with extended notes and discussion, add, of course, much to its usefulness and authority. The errors which this writer has thought that he observed were of the slightest character and do not impair the value of a most thoughtful, solid, scholarly work, well arranged, clearly expressed, in which the general doctrines of international law are comprehensively and concisely stated, and sustained by ample and apposite citation, in which conflicting doctrines are compared and the reader guided to the better view, and in which a very noble and useful science is brought (if he allows this writer to say it), in the rather flippant expression which Dr. Hershey uses in his preface, "*up to date*."

CHAS. NOBLE GREGORY.

Private International Law. By John Alderson Foote. London: Stevens & Haynes. 1914. pp. xlv, 595.

This, the fourth edition of this well known work, has been prepared for publication by Coleman Phillipson, of the Inner Temple, Barrister-at-Law, himself an important contributor to the science of international law.

Many improvements are noted in this edition; among them, the insertion of the later cases, and also of the date of each decision in the citation of it. Another important change is the omission of the partial summaries that in previous editions had been subjoined to the different headings.

Even a cursory examination of the book would suffice to show that it is of inestimable value to the British practitioner, for from beginning to end it deals in the most thorough and practical way with the decisions of the English, Scotch and Irish courts.

But there seems to have been little or no attempt to make as close a study of the colonial or American cases, or even to cite them. It is not

surprising that a review of the American cases was not attempted, since not only would that course have enlarged the work unduly, but it would have been perhaps of comparatively little value to the British lawyer.

But from the standpoint of the colonial practitioner, it seems unfortunate that the relatively few such cases passed upon by the courts of the British colonies have not been subjected to the same rigid examination as the decisions in the British Isles.

In dealing with a subject like this, the principles of which are yet in the course of formation, the courts must feel their way and cannot be expected, as questions dependent on new principles or new applications of principles are presented, to give finished opinions, expressing the last word on the subject. In many such cases, upon further argument and with further light drawn from experience or other decisions, it might well be that the courts would find it proper to retrace their steps, or to base their conclusions upon reasoning other than that adopted in the earlier cases. In weaving these decisions together, therefore, one must expect to find various misfits.

A question then presents itself whether a writer in a relatively new field like this would do better to confine himself to the actual decisions of the courts, on the theory that they have conclusively fixed the law upon the points they treat of, or to take the apparently presumptuous attitude that, having made a broad study of the subject in all its aspects, he is perhaps in as good a position as the courts (to whom the subject is presented in a very fragmentary way) to discuss the principles scientifically, and to fashion of the misfit decisions a seamless garment, even though in doing so he finds it necessary to condemn some rulings and point out what he may regard as errors of the courts.

Our author has chosen the former path, and has contented himself with recording the holdings of the courts as fixing the law, so far as the British Isles are concerned. And he has succeeded admirably in his task, exhibiting a keen appreciation of the finer distinctions to be drawn between the decisions that cannot fail to be of great service to the profession and to the courts in Great Britain.

It may, however, be permitted an interested American reader to regret that one who has exhibited so wide a familiarity with the entire field of private international law, and who would be so competent to help to straighten out the errors of principle into which the courts may have fallen, has contented himself with merely recording those decisions, without comment on their soundness.

This, be it understood, is an expression of regret, not a criticism. The reviewer believes that the legal world and this particular field of law has lost much by the author's omission to use his powers to correct as well as record the English decisions on this subject. And he feels it the more because of his conviction that this recently developed branch of jurisprudence should be launched along the right roads of principle, and that now is the time to lay the foundations of those principles in impregnable reason rather than in arbitrary and local rules.

The book is divided into four parts, as follows:

Under Part I (*Persons*) are discussed matters of status, including nationality, domicile, capacity, legitimacy, marriage, divorce and foreign corporations. It is worthy of note that the author regards and treats domicile as a status rather than as a situs,—as presenting a personal relation rather than as constituting a place of residence.

Under Part II (*Property*) are examined matters relating to jurisdiction as to property, and the various modes of transfer and alienation of immovable and movable property, voluntary and involuntary, *inter vivos* and *post mortem*.

In Part III, Contracts and Torts are the subjects of discussion. Contracts are treated from the standpoints of jurisdiction and of the proper law governing them as to (a) Capacity to contract; (b) Formalities of the contract; (c) Legality of the contract; and (d) Essentials of the contract as to its construction, nature and incidents, performance, and discharge, respectively.

Torts are discussed under the heads of jurisdiction, measure of the wrong done and measure of the remedy.

In Part IV, under the head of Procedure Generally and Evidence, the text considers: (a) Parties to the action; (b) Time within which the action is to be brought; (c) Mode of suing and enforcing process; (d) Evidence necessary and admissible; and (e) Proof of facts peculiarly foreign.

Next follows a discussion of foreign judgments (a) *in personam*; (b) *in rem*; (c) *in statum*; and (d) *lis alibi pendens*.

The book concludes with quite a full index. The mechanical structure of the work leaves nothing to be desired. It is beautifully printed on attractive paper, with running titles, broad margins, and marginal headlines to each paragraph, all of which are great aids to the reader.

RALEIGH C. MINOR.